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September 30, 2002

Karl D. Gleaves, Esq.  
Assistant General Counsel for Ocean Services  
National Oceanic and Atmospheric Administration  
United States Department of Commerce  
1305 East West Highway  
Room 6111 SSMC4  
Silver Spring, MD 20910

Re: Federal Consistency Appeal of Millennium  
Pipeline Company, L.P. from an Objection by  
the New York Department of State

Dear Mr. Gleaves:

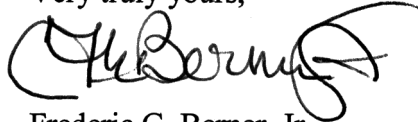
You have forwarded to us a July 31, 2002 letter of Riverkeeper, Inc. ("Riverkeeper") that requests *amicus* status in the referenced proceeding. On behalf of the appellant, Millennium Pipeline Company, L.P. ("Millennium"), we offer this response in opposition to Riverkeeper's request.

Riverkeeper claims that it is entitled to special *amicus* status because it has a "unique perspective" and "access to relevant information" regarding the issues in this case. Clearly, however, scores of other organizations and individuals could advance the same general claim, which, if sufficient to justify *amicus* status, would result in a proliferation of multiple, redundant briefs and comments serving no useful purpose. Riverkeeper's rights are already fully protected by the procedures that have been adopted by NOAA, which permit all interested persons not only to submit their views in writing during the public comment period, but also to air their views verbally, if so desired, at the public hearing that NOAA has scheduled. To accord additional, special briefing rights to Riverkeeper and others that may claim a "unique

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perspective” would not only be contrary to the express restrictions set forth in NOAA’s Regulations (15 C.F.R. § 930.127), but would unfairly permit a “third bite at the apple” that is wholly unnecessary and unjustified.

Very truly yours,

A handwritten signature in black ink, appearing to read "F. Berner, Jr.", with a stylized, cursive script.

Frederic G. Berner, Jr.

Attorney for Millennium  
Pipeline Company, L.P.

cc: Justin Bloom, Esq.  
Glen T. Bruening, Esq.  
William L. Sharp, Esq.